

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LAWRENCE I. FRIEDMANN,

Plaintiff,

- against -

RAYMOUR FURNITURE CO., INC., and LUCY
GOLDSTEIN, individually.

Defendants.

**NOTICE OF MOTION
TO DISMISS THE
COMPLAINT**

12 CV 1307
(LDW) (AKT)

PLEASE TAKE NOTICE that, upon the Declaration of Tara E. Daub, Esq., dated August 15, 2012, together with the exhibits attached thereto, the accompanying memorandum of law and all prior pleadings and proceedings herein, defendant Raymour Furniture Company, Inc., d/b/a Raymour & Flanigan Furniture, will move this Court, before the Honorable Leonard D. Wexler, U.S.D.J., at the United States Courthouse, 100 Federal Plaza, Central Islip, New York, for an Order, pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure, dismissing plaintiff Lawrence I. Friedmann's Complaint for lack of subject matter jurisdiction and for failure to state a claim, and for such other and further relief the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the parties' proposed briefing schedule, opposition papers, if any, must be served by September 12, 2012. Reply papers, if any, must be served by September 26, 2012.

Dated: August 15, 2012
Jericho, New York

NIXON PEABODY LLP

/S/

By: _____
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